

New York County Surrogate's Court
MISCELLANEOUS DEPT.

JUN 14 2018

FILED

Clerk

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

In the Matter of the Petition of Dalia Genger, as
Trustee of the Orly Genger 1993 Trust, Created by
Trust Agreement Dated December 13, 1993 between
ARIE GENDER, as Grantor, and LAWRENCE M.
SMALL and SASH A. SPENCER, as Trustees, to
Turnover Property to the Orly Genger 1993 Trust.

File No.: 2008-0017/E

Surrogate Nora S. Anderson

Dalia Genger, Trustee of the Orly Genger 1993 Trust,

Petitioner,

-against-

Orly Genger, et al.,

Respondents.

**REPLY AFFIRMATION OF LEON FRIEDMAN IN SUPPORT OF MOTION TO
DISMISS THE AMENDED PETITION BY RESPONDENT ARIE GENDER AND IN
OPPOSITION TO THE CROSS-MOTION OF PETITIONER DALIA GENDER**

LEON FRIEDMAN, an attorney duly admitted to practice in the courts of the state of
New York, affirms the following under penalties of perjury:

1. I am the attorney for respondent Arie Genger. I make this reply affirmation in
support of a motion to dismiss the Amended Petition allegedly served upon Arie Genger by
Petitioner Dalia Genger and to deny the cross-motion of Dalia Genger served on May 23, 2018.
2. We previously joined in a joint motion to dismiss the Amended Petition allegedly
served by Dalia Genger. See Motion by Arie Genger dated May 4, 2018 and Affirmation of Leon
Friedman in Support of Motion to Dismiss, dated May 4, 2018.
3. In our previous submission, we asserted that Arie Genger was never served with
the actual petition in this matter nor the Amended Petition. *Nowhere in the Cross-Motion made
by Dalia does she dispute that assertion.* Rather, the moving affirmation of Judith Bachman


discusses a series of procedural issues, dealing with the defenses raised by the other co-Respondents in this matter, particularly the procedural defenses raised by Trans-Resources, Inc. TR Investors, and related parties, Since Dalia does not dispute the defense raised by Arie, that motion to dismiss must be granted and the Petition and the Amended Petition must be dismissed

4. In every other respect, Arie Genger is in precisely the same position as his daughter Orly Genger, as described in her moving papers and reply papers. Arie Genger hereby incorporates and adopts all of the arguments made by Orly Genger in her Reply papers in support of a motion to dismiss and in opposition to the cross motion made by Dalia.

5. For the reasons stated above, Respondent Arie Genger moves that the pending New Action be dismissed and the cross motion be denied. .

Affirmed under penalties of perjury.

Dated: New York, N.Y.
June 14, 2018



Leon Friedman
685 Third Ave, 25th floor
New York, N.Y. 10017
(646) 825-4398
Attorney for Respondent Arie Genger

CERTIFICATE OF SERVICE

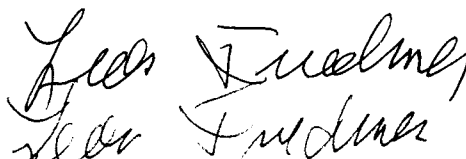
I hereby certify that I am not a party to this action, am over 18 years of age and reside at 148 East 78th Street, New York, N.Y and that I am an attorney duly admitted to the Courts of the State of New York.

On June 14, 2018, I served a copy of the annexed Reply Affirmation of Leon Friedman in support of motion to dismiss the Amended Petition by Respondent Arie Genger and in opposition to the cross-motion of Petitioner Dalia Genger in the following manner:

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

Judith Bachman
254 S. Main Street, Suite 406
New City, N.Y. 10956

Dated: June 14, 2018



Leon Friedman